

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP

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Attorneys for Plaintiff Texas Eastern Transmission, LP

TEXAS EASTERN TRANSMISSION, LP, a
limited partnership of the State of Delaware
Plaintiff,
v.

0.077 Acres Of Land, More or Less, In The City
of Jersey City, Hudson County, New Jersey;
COLES JERSEY DEVELOPMENT CO., LLC;
OGDEN REALTY CO.; JANE AND JOHN
DOES 1 through 50 (fictitious name defendants);
and ABC BUSINESS ENTITIES 1 through 50
(fictitious name defendants),

Defendants.

Civil Action No. 14-167-SRC-CLW

**NOTICE OF MOTION FOR SUMMARY
JUDGMENT**

PLEASE TAKE NOTICE that on Monday November 5, 2018 at 9:00 a.m. or as soon thereafter as counsel may be heard, DeCotiis, FitzPatrick, Cole & Giblin, LLP, counsel to Texas Eastern Transmission, LP shall move before the Honorable Stanley R. Chesler, U.S.D.J., at the Martin Luther King Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey, for an Order granting Plaintiff's Motion for Summary Judgment:

PLEASE TAKE FURTHER NOTICE that Texas Eastern shall rely upon its Brief, Rule 56.1 Statement of Undisputed Material Facts, Certification of Franklin S. Gessner (Document 1-6); Affidavit of Daniel Gans (Document 8-2); Supplemental Certification of

Franklin S. Gessner (Document 14-1); Certification of Peter H. Wegener, Esq.; and Certification of Michael J. Ash, Esq., CRE., submitted herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith in accordance with L.R.Civ.P. 7.1(e).

DeCOTIIS, FITZPATRICK, COLE & GIBLIN, LLP

Attorneys for Texas Eastern Transmission, LP

Dated: September 21, 2018

By: /s/ Jeffrey D. Smith

JEFFREY D. SMITH

CERTIFICATION OF SERVICE

I hereby certify that copies of the Notice of Motion, Brief, Rule 56.1 Statement of Undisputed Material Facts, Certification of Peter H. Wegener, Esq.; and Certification of Michael J. Ash, Esq., CRE, and proposed form of order were caused to be served on all parties by serving their counsel of record on this day via the electronic court filing system.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Jeffrey D. Smith

JEFFREY D. SMITH

Dated: September 21, 2018